

LOCAL PLAN
FOR
SPECIAL EDUCATION

2003

June, 2003



SAN JOAQUIN COUNTY OFFICE OF EDUCATION

SPECIAL EDUCATION LOCAL PLAN AREA LOCAL EDUCATION AGENCY (LEA) ASSURANCES

1. FREE APPROPRIATE PUBLIC EDUCATION (20 USC § 1412 (a)(1))

It shall be the policy of this LEA that a free appropriate public education is available to all children residing in the LEA between the ages of three through 21 inclusive, including students with disabilities who have been suspended or expelled from school.

2. FULL EDUCATIONAL OPPORTUNITY (20 USC § 1412 (a)(2))

It shall be the policy of this LEA that all pupils with disabilities have access to educational programs, nonacademic programs, and services available to non-disabled pupils.

3. CHILD FIND (20 USC § 1412 (a)(3))

It shall be the policy of this LEA that all children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located and evaluated. A practical method is developed and implemented to determine which students with disabilities are currently receiving needed special education and related services.

4. INDIVIDUALIZED EDUCATION PROGRAM (IEP) AND INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP) (20 USC § 1412 (a)(4))

It shall be the policy of this LEA that an Individualized Education Program (IEP) or an Individualized Family Service Plan (IFSP) is developed, reviewed and revised for each child with a disability who requires special education and related services in order to benefit from his/her individualized education program. It shall be the policy of this LEA that a review of an IEP will be conducted on at least an annual basis to review a student's progress and make appropriate revisions.

5. LEAST RESTRICTIVE ENVIRONMENT (20 USC § 1412 (a)(5))

It shall be the policy of this LEA that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled. Special class, separate schooling, or other removal of a student with disabilities from the general educational environment, occurs only when the nature or severity of the disability of the student is such that education in general classes with the use of supplemental aids and services cannot be achieved satisfactorily.

6. PROCEDURAL SAFEGUARDS (20 USC § 1412 (a)(6))

It shall be the policy of this LEA that children with disabilities and their parents shall be afforded all procedural safeguards throughout the provision of a free appropriate public education including the identification, evaluation, and placement process.

7. EVALUATION (20 USC § 1412 (a)(7))

It shall be the policy of this LEA that a reassessment of a student with a disability shall be conducted at least once every three years or more frequently, if appropriate.

8. CONFIDENTIALITY (20 USC § 1412 (a)(8))

It shall be the policy of this LEA that the confidentiality of personally identifiable data information and records maintained by the LEA relating to children with disabilities

and their parents and families shall be protected pursuant to the Family Educational Rights and Privacy Act (FERPA).

9. PART C, TRANSITION (20 USC § 1412 (a)(9))

It shall be the policy of this LEA that a transition process for a child who is participating in Early Intervention Programs (IDEA, Part C) with an IFSP is begun prior to a toddler's third birthday. The transition process shall be smooth, timely and effective for the child and family.

10. PRIVATE SCHOOLS (20 USC § 1412 (a)(10))

It shall be the policy of this LEA to assure that children with disabilities voluntarily enrolled by their parents in private schools shall receive appropriate special education and related services pursuant to LEA coordinated procedures. The proportionate amount of federal funds will be allocated for the purpose of providing special education services to children with disabilities voluntarily enrolled in private school by their parents.

11. LOCAL COMPLIANCE ASSURANCES (20 USC § 1412 (a)(11))

It shall be the policy of this LEA that the local plan shall be adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs; and that the agency(ies) herein represented will meet all applicable requirements of state and federal laws and regulations, including compliance with the Individuals with Disabilities Education Act, the Federal Rehabilitation Act of 1973, Section 504 of Public Law and the provisions of the California Education Code, Part 30.

12. INTERAGENCY (20 USC § 1412 (a)(12))

It shall be the policy of this LEA that interagency agreements or other mechanisms for interagency coordination are in effect to ensure services required for FAPE are provided, including the continuation of services during an interagency dispute resolution process.

13. GOVERNANCE (20 USC § 1412 (a)(13))

It shall be the policy of this LEA to support and comply with the provisions of the governance bodies and any necessary administrative support to implement the Local Plan. A final determination that an LEA is not eligible for assistance under this part will not be made without first affording that LEA with reasonable notice and an opportunity for a hearing through the State Educational Agency.

14. PERSONNEL QUALIFICATIONS (20 USC § 1412 (a)(14))

It shall be the policy of this LEA to ensure that personnel providing special education related services meet the highly qualified requirements as defined under federal law, including that those personnel have the content knowledge and skills to serve children with disabilities.

This policy shall not be construed to create a right of action on behalf of an individual student for the failure of a particular LEA staff person to be highly qualified or to prevent a parent from filing a State complaint with the CDE about staff qualifications.

15. PERFORMANCE GOALS & INDICATORS (20 USC § 1412 (a)(15))

It shall be the policy of this LEA to comply with the requirements of the performance goals and indicators developed by the CDE and provide data as required by the CDE.

16. PARTICIPATION IN ASSESSMENTS (20 USC § 1412 (a)(16))

It shall be the policy of this LEA that all students with disabilities shall participate in state and district-wide assessment programs. The IEP team determines how a student will access assessments with or without accommodations, or access alternate assessments, consistent with state standards governing such determinations.

17. SUPPLEMENTATION OF STATE/FEDERAL FUNDS (20 USC § 1412 (a)(17))

It shall be the policy of this LEA to provide assurances that funds received from Part B of the IDEA will be expended in accordance with the applicable provisions of the

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IDEA; will be used to supplement and not to supplant state, local and other Federal funds.

18. MAINTENANCE OF EFFORT (20 USC § 1412 (a)(18))

It shall be the policy of this LEA that federal funds will not be used to reduce the level of local funds and/or combined level of local and state funds expended for the education of children with disabilities except as provided in Federal law and regulations.

19. PUBLIC PARTICIPATION (20 USC § 1412 (a)(19))

It shall be the policy of this LEA that public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities are held prior to the adoption of any policies and/or regulations needed to comply with Part B of the IDEA.

20. RULE OF CONSTRUCTION (20 USC § 1412 (a)(20))
(Federal requirement for State Education Agency only)

21. STATE ADVISORY PANEL (20 USC § 1412 (a)(21))
(Federal requirement for State Education Agency only)

22. SUSPENSION/EXPULSION (20 USC § 1412 (a)(22))

The LEA assures that data on suspension and expulsion rates will be provided in a manner prescribed by the CDE. When indicated by data analysis, the LEA further assures that policies, procedures and practices related to the development and implementation of the IEPs will be revised.

23. ACCESS TO INSTRUCTIONAL MATERIALS (20 USC § 1412 (a)(23))

It shall be the policy of this LEA to provide instructional materials to blind students or other students with print disabilities in a timely manner according to the state adopted National Instructional Materials Accessibility Standard.

24. OVERIDENTIFICATION AND DISPROPORTIONALITY (20 USC § 1412 (a)(24))

It shall be the policy of this LEA to prevent the inappropriate disproportionate representation by race and ethnicity of students with disabilities.

25. PROHIBITION ON MANDATORY MEDICINE (20 USC § 1412 (a)(25))

It shall be the policy of this LEA to prohibit school personnel from requiring a student to obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school or receiving a special education assessment and/or services.

26. DISTRIBUTION OF FUNDS (20 USC § 1411(e),(f)(1-3))
(Federal requirement for State Education Agency only)

27. DATA (20 USC § 1418 a-d)

It shall be the policy of this LEA to provide data or information to the California Department of Education that may be required by regulations.

28. READING LITERACY (State Board requirement, 2/99)

It shall be the policy of this LEA that in order to improve the educational results for students with disabilities, SELPA Local Plans shall include specific information to ensure that all students who require special education will participate in the California Reading Initiative.

29. CHARTER SCHOOLS (E.C. 56207.5 (a-c))

It shall be the policy of this LEA that a request by a charter school to participate as a local educational agency in a special education local plan area may not be treated differently from a similar request made by a school district.

CERTIFICATION OF BOARD MINUTES

This is to certify that in accordance with Federal and State laws and regulations, the San Joaquin County SELPA Governing Council at its regular meeting on June 27, 2007, approved the local plan and that this plan is the basis for the operation and administration of special education programs. The agency(ies) herein represented will meet all applicable requirements of state and federal laws, regulations and state policies and procedures, including compliance with the Individuals with Disabilities Education Act, 20 USC 1400 et.seq, and implementing regulations under 34 CFR, Parts 300 and 303, 29 USC 705 (20), 794-794b, Section 504 of Public Law, the Federal Rehabilitation Act of 1973, as amended, and the provisions of the California Education Code, Part 30 and Chapter 3, Division 1 of Title V of the California Code of Regulations.

Be it further resolved, the LEA superintendent shall administer the local implementation of procedures, in accordance with state and federal laws, rules, and regulations, which will ensure full compliance.

Furthermore, the LEA superintendent ensures that policies and procedures covered by this assurance statement are on file at the Local Education Agency and the SELPA office.

Adopted this 27th day of June, 2007.

Yeas: 11

Nays: 0

Signed: _____
Fredrick A. Wentworth, Ed.D, Superintendent

GOVERNANCE

PURPOSE AND INTENT

The San Joaquin County Special Education Local Plan (SELPA) is composed of ten Local Education Agencies (LEAs) and the San Joaquin County Office of Education. The San Joaquin County Office of Education has been designated as the Responsible Local Agency (RLA) and the San Joaquin County Superintendent of Schools as the Superintendent of the RLA. In adopting the completed Local Plan each LEA agrees to carry out the duties and responsibilities assigned to each agency within the Plan, or which may be delegated at a later date through agreement of the participating agencies.

The function of the SELPA and participating agencies is to assure access to special education and services and to provide a quality educational program appropriate to the needs of each eligible child with a disability who resides within the Local Plan Area. Services may also be provided to those eligible individuals who are residents of other SELPAs who may be in need of services, and who, in accordance with the provisions of the annual budget plan of the cooperating Local Plan Area, attend programs in this region. Participating agencies may enter into additional contractual arrangements to meet the requirements of applicable federal and state law.

All such programs are to be operated in a cost effective manner consistent with the funding provisions of Education Code Section 56700 et seq, other applicable laws and the policies, and procedures of the SELPA.

The following are San Joaquin County SELPA agencies:

Banta Elementary School District
Escalon Unified School District
Jefferson Elementary School District
Lammersville Elementary School District
Lincoln Unified School District
Linden Unified School District
Manteca Unified School District
New Jerusalem School District
Ripon Unified School District
Tracy Unified School District
San Joaquin County Office of Education, County Programs

DESCRIPTION OF GOVERNANCE STRUCTURE

[56195.1(c)(1-2), 56205 (a)(12)(A), 56205(a)(12)(D)(ii)]

The executive structure of the San Joaquin Special Education Local Plan Area (SELPA) consists of ten district superintendents and the County Superintendent acting on behalf of eleven governing boards. Collectively, they constitute the Council of Superintendents, which

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will be the decision making body of the consortium, and will meet regularly or at the request of a member.

The management structure of the SELPA consists of eleven Local Plan Agency Directors, (including the County Director), the SELPA Director, and such other management positions as may be specified by the Council of Superintendents. The eleven Directors constitute the Council of Directors, which is responsible for coordinating special education services in the SELPA. The SELPA Director will administer and implement regionalized services as specified in the Local Plan and pursuant to rules, guidelines, and procedures adopted by the Council of Superintendents.

The San Joaquin County Office of Education is designated as the Administrative Unit, the Responsible Local Agency (RLA) for the San Joaquin County SELPA. It shall be responsible for, but not limited to the following functions:

1. Receipt and distribution of special education funds to district accounts for the operation of special education programs and services.
2. Receipt and distribution of special education funds to accounts exclusively designated for SELPA use.
3. Employment of staff to support SELPA functions.

POLICY-MAKING RESPONSIBILITIES OF THE GOVERNING BOARDS

[56195.7(i), 56195.8]

The role of the Governing Boards of Trustees is to review and adopt policies, which govern the implementation of the Local Plan and are required by the California Education Code.

Identification of issues for policy-making may be made by the Council of Directors, Council of Superintendents, Local or Responsible Agency Superintendents or the Local or Responsible Education Agency governing boards. The Council of Directors, assisted by the SELPA Staff, and advised by the Community Advisory Committee, will draft recommended policy statements when requested. The Council of Superintendents will review and act upon policies recommended by the Council of Directors.

PUBLIC PARTICIPATION

[56205(a)(12)(E)(20), 56205(b)(4)]

Members of the public, including parents or guardians of students with disabilities, staff, public and non-public agencies and members of the public at large, may address questions to

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the governing boards of local educational agencies and the Responsible Local Agency, the Council of Directors and the Superintendents' Council.

RESPONSIBILITIES OF THE COUNCIL OF SUPERINTENDENTS [56205(a)(12)(A)(D)]

It is the responsibility of the Council of Superintendents, chaired by the RLA Superintendent, in implementing the Plan to:

1. Act as the decision - making body for the RLA.
2. Direct the allocation and utilization of special education management and support services and other resources within the Special Education Local Plan Area (SELPA) in accordance with the provisions of the Local Plan.
3. Review special education issues and recommend effective solutions to governing boards.
4. Provide leadership in the development of policy and procedures, goals, priorities and plans for the comprehensive and systematic provision of special education programs and services, and recommend their adoption by participating boards.
5. Adopt executive rules, administrative regulations, and procedures for the management of special education programs and services in the SELPA, and the implementation of agreements.
6. Monitor special education programs and services with respect to both planned and actual efforts, progress, and results.
7. Adopt guidelines and procedures for the conduct of special education programs and services available through the Local Plan.
8. Provide executive direction to the Director responsible for regionalized services and to the Responsible Local Agency (RLA) Superintendent, when appropriate regarding the implementation, administration and operation of special education programs and services in accordance with the Local Plan.
9. Direct that data be gathered, interpreted and reported regarding the implementation, administration, and operation of the Local Plan.
10. Review data about the current status and accomplishments of special education programs in the SELPA.
11. Provide leadership for inter-district actions pertaining to the implementation, administration, and operation of the Local Plan.

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12. Review, upon request of a local agency, the Local Education Agency's (LEA) portion of the special education programs and services in accordance with the provisions of the Local Plan.
13. Facilitate liaison with community resources, the LEA, the RLA, and the Community Advisory Committee (CAC).
14. Approve an annual budget and program plan composed of the individually adopted budget and program plans from each LEA and the county operated program.

RESPONSIBILITIES OF LOCAL EDUCATION AGENCY BOARDS OF EDUCATION

[56195.1(b)(2), 56195.5(a), 56205(a)(12)(D)(i)]

The responsibilities of Local Education Agency (LEA) Boards of Education in implementing the Plan are as follows:

1. Exercise authority over, assume responsibility for, and be fiscally accountable for special education programs operated by the LEA.
2. Enter into a Joint Powers Agreement with other LEAs participating in the plan, for purposes of delivery of services and programs.
3. Review and approve revisions of the San Joaquin County SELPA Local Plan for Special Education.
4. Participate in the governance of the San Joaquin County SELPA through their designated representative to the Governance Council.
5. Appoint members to the Community Advisory Committee (CAC).

RESPONSIBILITIES OF SUPERINTENDENTS OF PARTICIPATING LOCAL EDUCATION AGENCIES

[56195.1(b)(2), 56205(a)(12)(D)]

It is the responsibility of the Local Education Agency (LEA) Superintendents in implementing the Plan to:

1. Implement special education responsibilities of the LEA as agreed upon in the Local Plan and as determined by the Council of Superintendents, utilizing locally established procedures.

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2. Recommend special education policies to the local governing board.
3. Assist the RLA in the selection of the director of the SELPA and regionalized services staff.
4. Respond to LEA due process hearing requests and complaints.
5. Serve as a member of the Council of Superintendents.

RESPONSIBILITIES OF PARTICIPATING LOCAL EDUCATION AGENCIES

[56195.1(b)(2), 56195.1(c)(1), 56195.5(b), 56205(a)(12)(D)(i)]

The responsibilities of the participating Local Education Agencies (LEA) in implementing the Plan are as follows:

Each participating LEA is responsible for implementing those services assigned to the local agency here in and provided for in local budget plans. Each LEA provides assigned programs and services through its own facilities and staff.

When an LEA is unable to provide an appropriate program for an individual pupil, that LEA shall, in cooperation with the SELPA Program Specialists, arrange for an appropriate placement, through an Individualized Education Team, in a San Joaquin County program, in another LEA within the San Joaquin County SELPA. If such placement is not possible, the San Joaquin County SELPA Director will assist the district in a placement outside of the San Joaquin County SELPA. The San Joaquin County Office of Education shall perform the services of an LEA for persons with disabilities residing in Juvenile Court Schools in the San Joaquin County SELPA.

COMMUNITY ADVISORY COMMITTEE

[56205(a)(12)(C), 56205(b)(6)]

The San Joaquin County SELPA Community Advisory Committee (CAC) is comprised of parents of individuals with disabilities enrolled in public or non-public schools within the San Joaquin County SELPA. The CAC may include pupils and adults with disabilities; general education teachers and parents, special education providers, and other school personnel within the San Joaquin County SELPA. It may also include representatives of other public and non-public agencies, and persons concerned with the education of persons with disabilities. The school boards of the participating Local Education Agencies (LEAs) shall appoint one member and alternates to the CAC. The Superintendents Council shall establish policies for the operation of the CAC in accordance with the state regulations for CAC responsibilities.

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The CAC will be advisory to the Council of Directors and each member will be responsible to the appointing Board of Education or agency.

1. Procedures for Appointment to the Community Advisory Committee:
 - a. Recommendations for appointment of parents to the CAC will be solicited by each LEA Director. These recommendations will be presented to the governing boards for appointment.
 - b. Appointment of agency representation will be requested of agency management personnel by the SELPA Director.
 - c. Appointment of regular and special education teacher and other school personnel will be solicited by the SELPA Director, contacting the professional organization leadership and requesting representation.
2. Responsibilities of the CAC are implemented as follows:
 - a. Input is solicited from members of the CAC regarding areas to be addressed in the Local Plan. Once the Plan has been developed, it is presented to the CAC for review and comment.
 - b. At the time initial input is solicited, members of the CAC may provide recommendations for prioritizing services.
 - c. Members of the CAC are encouraged to provide suggestions for parent education activities. Also, members are encouraged to participate in parent education activities and to recruit individuals who might assist in the implementation of the plan.
 - d. Members of the CAC are encouraged to discuss all aspects of the Plan in the community. Information is made available to them so they can become a resource to the community.
 - e. Information about various special needs and agencies available to assist individuals with these needs is made available to members of the CAC. Members are encouraged to be supportive of families and individuals with exceptional needs and to support and participate in activities on their behalf.
 - f. Members of the CAC are encouraged to assist in encouraging regular school attendance.

RESPONSIBILITIES OF DISTRICT AND COUNTY ADMINISTRATORS OF SPECIAL EDUCATION

[56205(a)(12)(D)]

The responsibilities of each District and County Administrator of Special Education in coordinating the administration of the Local Plan are as follows:

1. Manage and operate Local Education Agency (LEA) Programs and Services.
2. Participate in the development of the annual budget plan by making budgetary recommendations to the Council of Superintendents regarding regionalized classes.
3. Serve as a member of the Council of Directors which has responsibility to:
 - a. Identify and prioritize special education program and service needs for the districts and for the SELPA.
 - b. Establish priorities for use of the regionalized services funds.
 - c. Recommend policy to the Council of Superintendents.
 - d. Collect and report information on program operations as required.
 - e. Participate in the recruiting, screening, and interviewing process for any Responsible Local Agency staff who have a SELPA function.
 - f. Provide mutual technical assistance in due process and complaint procedures.
 - g. Develop and implement standards, agreements, policies, and procedures for implementation of the Local Plan.
 - h. Consider and respond to concerns expressed by the Community Advisory Committee (CAC)
 - i. Keep the CAC informed of pending decisions and encourage CAC input.
 - j. Provide leadership for special education within the SELPA.
 - k. In cooperation with the SELPA Director, provide liaison among participating Districts, private providers of services, advisory groups, and the organization structure.

PROCEDURE FOR DETERMINING THE RESPONSIBILITY OF EACH PARTICIPATING AGENCY TO PROVIDE AND TO ASSURE ACCESS TO SPECIAL EDUCATION SERVICE FOR ALL INDIVIDUALS WITH EXCEPTIONAL NEEDS IN THE SELPA

[56195.1(b)(2), 56205(a)(12)(D)]

The Council of Superintendents and the Council of Directors will each organize as Councils of the Whole, with each participant as a voting member. The Councils of Directors will meet regularly, the Council of Superintendents as needed. The decision making process regarding all aspects of the Local Plan, including responsibility, access to program and changes in the delivery system will be:

The Council of Directors will initiate agenda items. These items will be presented at meetings for discussion, review and development of draft recommendations. The recommendations will be sent to the Council of Superintendents for review and action. Action of the Council of Superintendents is final unless an item is referred back to the Council of Directors.

A recommendation that has been approved by the Council of Superintendents is presented by them, when necessary, to each governing board for review and input or adoption/approval. Each board reviews and adopts/approves policies, the Local Plan and their individual budget plan.

PROCEDURE BY WHICH THE GOVERNANCE STRUCTURE CAN BE CHANGED

[56140(b), 56195.1(b)(1), 56195.3(b), 56205]

Any Local Education Agency (LEA) may submit to the Council of Directors a request for change in the governance structure of the SELPA. It is the responsibility of the Council of Directors to study the ramifications of the request, specifically size, scope and effectiveness of service delivery to individuals with exceptional needs. The Council of Directors will draft recommendations to be presented to the Council of Superintendents. The Council of Superintendents will review and act upon the recommendations. If a change in governance structure is recommended, the County Superintendent of Schools must review the changes as per EC 56140. The role of the Governing Boards of Trustees is to review and take appropriate action when a change in governance structure has been recommended and approved.

PROCEDURE BY WHICH DISPUTES AMONG MEMBERS WILL BE RESOLVED

[56205(b)(5)]

Should disputes arise concerning special education related matters or related to the interpretation of this plan between or among the LEAs regarding the scope of the JPA or interpretation of the Local Plan or other matters pertaining to special education, the disputing LEAs shall first attempt to arrive at a settlement. If settlement is not reached at the LEA level, the San Joaquin County SELPA Director shall mediate the dispute. Any dispute not successfully resolved by the San Joaquin County SELPA Director shall be referred to the Superintendents' Council.

The Superintendents' Council shall hear the facts of the dispute and shall render a written decision on the matter, which shall be binding on the parties. In case of a tie vote, the Responsible Local Agency Superintendent shall cast the deciding vote.

DISTRIBUTION OF SPECIAL EDUCATION RESOURCES TO LEAs

[56205(b)(1)(A-G), 56836.05(b)]

1. a. As a result of changes allowed by the passage of AB 602, Special Education funding will be allocated by the State Department of Education to the Administrative Unit of the San Joaquin County SELPA. Funding will then be allocated by the RLA directly to the Districts based on decisions made pursuant to the process described herein. The Council of Directors shall recommend the distribution of funding based on dollars available, utilization of dollars in each of the districts, and requests for any LEA to operate programs. This process allows for the reallocation of funding when necessary and for addressing recapture of funding should the SELPA experience declining enrollment. The final decision regarding the allocation plan shall be made by the Council of Superintendents.

Preliminary data gathering will take place after the December Pupil Count. Priorities for additional regionalized classes will be set in February. All fiscal recommendations will be sent to the Council of Superintendents for review and action.

The annual Budget Plan shall be adopted at a public hearing held by the Council of Superintendents.

- b. The Council of Directors shall recommend the allocation of funding for instructional personnel.
2. The district of residence has the financial responsibility for transporting all its students.

should a student be transported by an agency other than the district of residence, and should the cost exceed the apportionments and other funds received for such services by the providing agency, the district of residence shall reimburse the providing agency its prorated share of the excess costs.

3. Regionalized service funds shall be allocated to the RLA for operation of regionalized services specified in Education Code 56220(c). Should the cost or regionalized service exceed the apportionments and other funds received for such services, such excess costs will be prorated to each district on the basis of its most recent unduplicated special education pupil count.
4. The audit trail of utilization of federal flow-through funds shall be maintained by setting up a separate budget. The SELPA Director prepares the annual reports based on budget expenditure information.
5. The staff development committee of the SELPA shall prepare the annual plan for staff development based on yearly needs assessments. The SELPA staff shall prepare the staff development budget based on recommendations from the Council of Directors regarding the distribution and utilization of state personnel development funds.
6. Low-incidence funds shall be maintained in two separate budgets of the RLA.
 - a. Based on IEP justification that the equipment requested will promote the least restrictive environment for the student and minimize the necessity for service on an isolated site, a district may request an expenditure of funds for equipment with a written request presented to a Low Incidence Committee for approval. Upon approval, the equipment is purchased by the SELPA office.
 - b. Specialized services funds are generated and allocated to districts based on prior December pupil count. Reimbursement for specialized services shall be based in IEP documented needs.
7. Changes in funding distribution shall be recommended by the Council of Directors to the Council of Superintendents. Changes in budget allocation will be reflected on the reporting documents required by the California Department of Education of the appropriate district(s). All budgets, district and county, are approved at public meetings.
8. Proposed changes by an LEA that would impact another LEA's budget or program(s) shall be presented to the Council of Directors for discussion in accordance with the "Changes Calendar" developed by the Council of Directors. Items on this calendar shall include, but need not be limited to, (1) changes in service being provided by an LEA, (2) changes in facility needs, (3) programming requests, and (4) proposed excess costs. The calendar shall also delineate when recommendations from the Council of Directors shall be presented to the Business Advisory Group as an informational item and to the Council of Superintendents for action.

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9. The district of residence has the financial responsibility for program costs for all its students. Should a student be educated by an agency other than the district of residence, and should the programming costs exceed the apportionments and other funds received for such services by the providing agency, the district of residence shall reimburse the providing agency its prorated share of the excess costs.

CALENDAR & TIMELINES FOR DISTRIBUTION OF FUNDS

56205(b)(1)(A-G)

Prior Year – (PY)	Example 1998-99
July 1999	District Year-end Estimated Accruals
August 1999	COE Year-end Expenditures
March 2000	Reconciled State Prior Year Apportionment
July 2000	Reconciled State Re-certification Prior Year Apportionment
Current Year – (CY)	Example 1999-2000
May 1999	Estimated Budget Funding Model
August 1999	Updates for State Adopted Budget & County Office of Education Adopted Budget Funding (30 days after State Adopted Budget)
February 2000	Updates based on County Office First Interim, including updates of additional services or program needs and District P-2 ADA estimates
May 2000	Updates based on County Office of Education Second Interim, including updates of additional services or program needs, District P-2 ADA estimates and State May Revise changes
July 2000	District Year-end Estimated Accruals
Budget Year –(BY)	Example 2000-2001
February 2000	Projected SELPA Budget assumptions based on State Budget proposal for SELPA revenues, County Office of Education’s First Interim with salary and benefit COLA’s, other known changes
February 2000	Proposed new programs/class offerings and estimated costs for next year
March 2000	Decision on proposed new program/class class offerings and estimated costs for next year
May 2000	Estimated SELPA Budget with approved program/class offerings and projected County Office of Education revenue and expenditures with updated State projections

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August 2000 Updates for State Adopted Budget & County Office of Education
 Adopted Budget Funding (30 days after State Adopted Budget)

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	CY BY	PY BY		CY BY		PY CY	PY CY BY				

Above schedule does not include State reporting requirements and apportionment calculations and schedules.

MODEL FOR DISTRIBUTION OF FUNDS

Part I – SELPA Special Education Programs

-----% COLA

1. Establish 1997-98 adjusted funding base for each district and county office:
 - a. 1997-98 J50 \$-----
 - b. 94-142 & specific federal grants \$-----
 - c. Phase I equity \$-----
 - d. County Special Education Taxes \$-----
 - e. Total 1997-98 Adjusted Funding Base \$-----

2. Determine total SELPA revenues:
 - a. Total Prior Year Funding Base \$-----
 - b. Total Estimated COLA \$-----
 - c. Total Estimated Growth \$-----
 - d. Total Estimated Phase III Equity \$-----
 - e. Total SELPA Revenues \$-----

3. Allocated estimated COLA (line2.b.) to COE and districts on a per K-12 ADA basis.

4. Allocated estimated SELPA growth funds (line2.c) to COE and districts that actually grew, based on those growth districts' proportionate share of growth ADA.

5. Allocated Phase III equity funding (line2.d.) as follows:
 - a. 25% toward full funding of Phase I Equity. Continue each year until Phase I fully funded.
 - b. 75% balance distributed to COE and districts on a per k-12 basis.
 - c. After Phase I Equity is fully funded, 100% of Phase III Equity to be distributed on per k-12 ADA basis.

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6. Subtract COE total base funding from total SELPA revenues to determine funding factor denominator.
- | | | |
|----|---------------------------------|---------|
| a. | Total SELPA Revenues (line2.e.) | \$----- |
| b. | Minus COE total base funding | \$----- |
| c. | Funding factor denominator | \$----- |
7. Determine the unfunded County Program Costs:
- | | | |
|----|--|---------|
| a. | COE funding base (line6.b.) | \$----- |
| b. | Plus additional revenues | \$----- |
| c. | Plus prior year program carryover | \$----- |
| d. | Minus total estimated county program costs | \$----- |
| e. | Equals unfunded county program costs | \$----- |
8. Adjustments for revenue targets (+ or -)
- | | | |
|----|---|---------|
| a. | Replenish NPS Pool (Prior year district reimbursement) | \$----- |
| b. | Replenish SELPA Reserve (Not less than 3%) | \$----- |
| c. | Total reserve adjustments | \$----- |
9. Determine the amount of SELPA revenues available which establishes the funding factor numerator:
- | | | |
|----|---|---------|
| a. | Total SELPA Revenues (line2.e.) | \$----- |
| b. | Minus COE total base funding (line6.b.) | \$----- |
| c. | Minus Unfunded County Program costs (line 7.e.) | \$----- |
| d. | Minus reserve adjustments (line 8.c.) | \$----- |
| e. | Balance of funds available to districts | \$----- |
10. Determine funding factor: Divide line 9.e by line 6.c
- | | | |
|--|--|-------|
| | | ----- |
|--|--|-------|
- a. If less than or equal to 1.0, the funding factor used to prorate allocated funds from/to districts.
- b. If greater than 1.0, the factor becomes 1.0 and SELPA must decide how to use surplus dollars, i.e. distribute or put in reserve.

Part II - NPS Pool

11. Freeze 1997-98 NPS/NPA 70% State reimbursement amounts included in district's funding base.
12. Annually Districts submit total NPS costs to SELPA for reimbursement.
13. Apply district expense to State formula for 70% reimbursement.
14. Subtract district's NPS/NPA freeze amount (line 11) from computed amount (line 13).
15. Balance equals amount of NPS reimbursement funded from NPS Pool Reserve.

Part III - Recommendations

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16. Establish SELPA Reserve and NPS Pool target amounts.
17. Propose establishing NPS Pool at \$500,000 and maintaining target for SELPA Reserve at not less than 3% of total SELPA revenues.
18. Propose future maximization revenues be credited to SELPA Reserve.

DESCRIPTION OF ADMINISTRATIVE FUNCTIONS

[56195.1(b)(2), 56195.1(b)(3), 56195.1(c)(2), 56205(a)(12)(A) 56205(a)(12)(D)(ii),]

1. The Council of Superintendents is responsible for selecting the Responsible Local Agency (RLA). District administrators, teachers, psychologists, and other members as appropriate of special education and regular education shall participate in the recruiting, screening, and interviewing process for any RLA staff who have a SELPA function. The recommendation for hiring goes to the County Superintendent who makes the ultimate decision.
2. The RLA has responsibility for obtaining and distributing information, as well as providing technical assistance and interpretation, to LEAs regarding the legal requirements for procedural safeguards of PL 101-467 as amended and statutes and regulations including:
 - a. Equal access to all programs and services in the region.
 - b. Advice to parents on availability of free or low cost legal services.
 - c. Complaints and the correction of identified problems through utilization of Uniform Complaint Procedures.

ROLE OF RESPONSIBLE LOCAL AGENCY SUPERINTENDENT

[56195.1(b)(3), 56205(a)(12)(D)(ii)]

The role of Responsible Local Agency superintendent is as follows:

1. Act as chair of the Council of Superintendents.
2. Establish and maintain special education programs and services that are most effectively provided by the RLA Superintendent's Office and specified in the annual staff budget plan. The direct program operations part of the RLA Superintendents Office will function as a Local Education Agency (LEA) and have status equal to other LEA district program operations.

3. Approve and submit a budget for regionalized services funds. Receive and expend those funds based upon the needs of special education children residing in the SELPA, as recommended by the Council of Directors and the Council of Superintendents.
4. Provide administrative support.
5. Facilitate adoption and implementation of policies for provision of due process in the SELPA.
6. Establish and maintain an office for the Director of the San Joaquin Special Education Local Plan Area. The director and staff shall be employed to coordinate the implementation of the Local Plan throughout the SELPA and with other SELPAs as appropriate:
 - a. Facilitate the implementation of regionalized services as specified in Education Code Section 56220 (c) (2-6):
 - b. Personnel development
 - c. Evaluation
 - d. Data collection and management information systems
 - e. Curriculum development
 - f. Ongoing program review
 - g. Facilitate the implementation of regionalized services specified in Education Code Section 56220(c) (1), Program Specialist services, as recommended by the Council of Directors.

EMPLOYMENT AND EVALUATION OF THE SELPA DIRECTOR

[56205 (b)(ii)(I)]

The procedure for the employment of the San Joaquin County SELPA Director will be a process jointly agreed upon by the RLA and the Council of Superintendents.

It is the responsibility of the RLA Superintendent to evaluate the SELPA Director annually and report the results of the evaluation to the Council of Superintendents.

ROLE OF THE SELPA DIRECTOR

[56205 (a)(12)(D)(i-ii)]

The role of the SELPA Director is as follows:

1. Implement the regionalized services based upon annual priorities including:
 - a. Administer personnel development programs.
 - b. Coordinate program evaluation.
 - c. Supervise data collection, information management and reporting.
 - d. Coordinate curriculum development.
 - e. Coordinate ongoing monitoring of the Local Plan implementation through program review.
 - f. Supervise and evaluate Program Specialists.
2. Provide overall coordination of the Local Plan implementation through program review.
3. Assist in the development and coordinate the implementation of interagency agreements and contracts with non-public school agencies providing services to Individuals With Exceptional Needs.
4. Participate or designate appropriate personnel to participate in IEP Team meetings for students considered for placement in other SELPAs and/or non-public school placements.
5. Provide technical assistance to LEAs in due process and complaint procedures.
6. Coordinate and facilitate the establishment of SELPA standards, procedures, processes and regulations for the implementation of the Local Plan.
7. Act as liaison between: the SELPA and the State Department of Education; the Council of Directors and the Council of Superintendents; the Community Advisory Committee and the Council of Directors; and the Community Advisory Committee and the Council of Superintendents.
8. Apply for discretionary funds and other grants that become available to the SELPA.
9. Assist in the identification of special education program and service needs for the SELPA.

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10. Provide technical assistance to LEA special education program managers.
11. Assist in the development of the annual budget plan.
12. Prepare and submit to the State Department of Education all reports required for the SELPA.
13. Request input from the members of the Council of Directors regarding regionalized services.

REGIONALIZED SERVICES TO LOCAL PROGRAM

[56205(a)(12)(B), 56195.7(c)(1-6)]

The SELPA Director shall serve on behalf of the member local education agencies and implement the Local Plan including the following regionalized services and operations:

1. Coordination of the SELPA and the administration of the Local Plan
2. Coordinated system of identification and assessment
3. Coordinated system of procedural safeguards
4. Coordinated system of staff development and parent education
5. Coordinated system of curriculum development and alignment with the core curriculum
6. Coordinated system of internal program review, evaluation of the effectiveness of the local plan and implementation of a local plan accountability mechanism
7. Coordinated system of data collection and management
8. Coordination of interagency agreements
9. Coordination of services to medical facilities
10. Coordination of services to licensed children's facilities and foster family homes
11. Preparation and transmission of required SELPA reports
12. Fiscal and logistical support of the Community Advisory Committee
13. Coordination of transportation services for students with disabilities
14. Coordination of career and vocational and transition services

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15. Assurance of full educational opportunity
16. Fiscal administration and the allocation of state and federal funds
17. Direct instructional support provided by Program Specialists

The SELPA Director, in conjunction with the Program Specialists and based on service needs, will recommend how Program Specialist services should be allocated throughout the SELPA. The Council of Directors shall ratify the distribution. The SELPA Director is responsible for the supervision of Program Specialists employed by the SELPA.

In order to implement the Local Plan, the SELPA Director and Program Specialists shall be considered “school officials and employees” in regards to access to student records.

PROGRAM SPECIALIST SERVICES

[56368(a-c)]

A program specialist is a specialist who holds a valid special education credential, clinical services credential, health services credential, or a school psychologist authorization and has advanced training and related experience in the education of individuals with exceptional needs and a specialized in-depth knowledge in preschool disabilities, career vocational development, or one or more areas of major disabling conditions.

For purposes of Section 41403 , a program specialist shall be considered a pupil services employee, as defined in subdivision (c) of Section 41401. The Program Specialists are employed by the Responsible Local Agency (RLA) for employment purposes, and serve the SELPA under the direction of the SELPA Director. The Superintendents’ Council designates the number and type of specialists upon recommendation of the Council of Directors and approves the SELPA budget for its expenditures.

Program Specialists shall provide the following services:

1. Observe, consult with, and assist, in accordance with local education agency procedures, special education teachers and support staff.
2. Plan programs, coordinate curricular resources and share in the evaluation of the effectiveness of programs for children with disabilities.
3. Assist with local education agency staff development, program development and innovation of special methods and approaches.
4. Provide coordination, consultation and program development in one or more specialized areas of expertise.

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5. Upon request, participate in and/or conduct IEP team meetings where technical assistance is needed.
6. Assist in mediation, due process hearings and compliance proceedings by providing expertise in knowledge of special education law and regulations as well as programs and appropriate interventions available throughout the SELPA.
7. Assist in developing training for parents and members of the Community Advisory Committee (CAC).
8. Provide in-service training and technical assistance for regular and special education teachers, administrators, support staff and parents.
9. Assist as a liaison to various community agencies such as Department of Mental Health, Department of Human Services, Valley Mountain Regional Center, California Children's Services, and the Probation Department.

FISCAL AND PROGRAM EVALUATION

[56205(a)(12)(D)(ii)(II-V)]

The San Joaquin County SELPA shall submit annually all information required by the California Department of Education, Special Education Division, in this effort, including statistical data, program information, and fiscal information related to the programs and services for children with disabilities in the San Joaquin County SELPA.

1. The SELPA Director is responsible for collecting data required by the California Department of Education related to special education budgets and services, and reporting them annually.
2. SELPA staff will support all the members of the SELPA in the collection of data related to compliance, due process procedures, availability of services, key performance indicators, etc., as needed.

COORDINATING SERVICES WITH OTHER PUBLIC AGENCIES

[56195.7(d)]

1. The SELPA will facilitate agreements for the provision and coordination of services by other public agencies that are funded to serve children with disabilities.
2. A Committee will develop each interagency agreement for consideration by the Council of Directors.

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3. The SELPA Director has the primary responsibility to negotiate agreements with other public agencies.
4. These agreements include but are not limited to: Children's System of Care, Part C (Infants), California Children's Services, Head Start, Valley Mountain Regional Center and others as needed.
5. Each County Office shall determine a process to use in determining which special education services that County Office shall provide to the districts it serves.

Listing of agencies, designated agency liaisons, and the most current effective date for a Memorandum of Understanding/or Interagency Agreement:

Mental Health	Director	July 2007
Valley Mountain Regional Center	Executive Director	July 2005
California Children's Services	Director	July 2005
Head Start	Executive Director	March 2006
Family Resource Network	Director	April 2005
Department of Rehabilitation and Employment Development Dept.	Rehabilitation Supervisor	June 2006
Part H	Director	June 2002

DATA COLLECTION AND DEVELOPMENT OF MANAGEMENT INFORMATION SYSTEMS

[56205(a)(12)(E)(21)]

The SELPA shall maintain a data collection and storage system that will provide for the management and reporting of required data for state and federal systems. The SELPA will continue to work with the State's Department of Management Information System to collect and report all required data related to special education fiscal and program services, and to provide other pertinent information necessary for the operation of the SELPA. The SELPA will collect and submit data on suspension and expulsion as required.

SELPA staff will support all the districts in the SELPA in their collection and reporting of required data and will strive to support a system, which is responsive to the data needs of the districts. The SELPA will implement a continuous improvement model of data collection.

POLICIES

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POLICY – CHARTER SCHOOLS

PROVISION OF SPECIAL EDUCATION SERVICES TO STUDENTS VOLUNTARILY ENROLLED IN CHARTER SCHOOLS

INTRODUCTION

Students enrolled in charter schools are entitled to special education services provided in a like manner to students enrolled in other public schools. Charter schools within the SELPA shall comply with applicable requirements of state and federal law regarding provision of special education services (Education Code section 56000 et seq., Individuals with Disabilities Education Act 20 U.S.C. Chapter 33). A charter school shall not discriminate against pupil in its admission criteria on the basis of disability. Funding for special education services, participation in the governance structure and responsibility for provision of services shall be based on the categorization of the individual charter school.

A child with disabilities who attends a charter school shall receive special education instruction or designated instruction and services, or both, in the same manner as a child with disabilities who attends another public school of the Local Educational Entity (LEA). Charter schools shall be deemed a public school of the entity that granted the charter unless the charter school itself is deemed an LEA for the purposes of providing special education.

Charter schools should delineate in their petition or a memorandum of understanding (MOU) the entity responsible for providing special education instruction and services. This document should reference any anticipated transfer of special education funds between the granting entity and the charter school and any provisions for sharing deficits in funding.

SELPA INVOLVEMENT WITH APPROVAL AND RENEWAL OF CHARTES

Prior to approval or renewal of a charter, the superintendent or designee of the chartering entity should consult with the SELPA Director regarding the sufficiency of assurances in the petition related to the provision of special education services. The petition presented should include assurances that all eligible students enrolled in the charter school will receive appropriate special education services in accordance with applicable state and federal laws and regulations as well as the Local Plan. The petition must provide that no student otherwise eligible to enroll in the charter school will be denied enrollment due to a disability or to the charter school's inability to provide necessary services.

In compliance with Education Code section 47605, each charter petition must contain a reasonably comprehensive description of the charter school's education program. These descriptions should include descriptions of special education services, including the following:

- ◆ The procedures for ensuring that students are referred, assessed and served in a timely manner;
- ◆ Assurances that staff members providing special education services are appropriately credentialed;
- ◆ Assurances that the facility used by the LEA does not present physical barriers that would limit an eligible student's full participation in the educational and extracurricular program;
- ◆ Disenrollment, suspension and expulsion policies and procedures must provide that the due process protections of federal and state law are afforded to special education and 504 eligible student's; and
- ◆ Dispute resolution procedures that will apply to any disputes between educational entities, including the SELPA, regarding the provision of special education services in the charter school.

CATEGORIES OF CHARTER SCHOOLS

For the purposes of provision of special education services, charter schools shall be deemed either a public school within the chartering district or an LEA that receives funds and provides services independent of the chartering entity. All approved charter schools will be deemed public schools within the chartering entity until the charter school has been deemed and LEA following this policy and the Local Plan for Special Education (Local Plan).

A. Public School Within a School District or County Office

Charter schools that are deemed to be public schools within the chartering entity will participate in state and federal funding in the same manner as other schools or programs within the chartering entity. The chartering entity will be responsible for ensuring that all children with disabilities enrolled in the charter school receive special education and designated instruction and services in a manner consistent with all applicable provisions of state and federal law, no matter where the student may reside. The chartering entity will determine the policies and procedures necessary to ensure that the protections of special education law extend to students in the charter school in the same manner as students enrolled in other schools or programs administered by the chartering entity.

The chartering entity will:

- ◆ Receive all applicable special education funds generated by combined district and charter school enrollment and special education pupil counts. Funds will be allocated in the manner specified by the SELPA allocation plan;
- ◆ Receive a per-pupil contribution from the Charter School equal to the charter school's equitable share of special education encroachment. District-wide special education encroachment will be determined as follows;
- ◆ To the extent that district-wide (including charter school) special education and related services costs exceed district-wide (including charter school) special education funding, the excess cost shall be charged to the chartered school on a prorated basis. The proration shall be based on the number of students enrolled in the charter school compared to district-wide enrollment.
- ◆ Represent the needs of the charter school in the SELPA governance structure;
- ◆ Be responsible for ensuring that all eligible students enrolled in the charter school are appropriately referred, assessed and served in a timely manner, without regard for the location in which the student may reside; and
- ◆ Be responsible for procuring and funding appropriate special education services; and

The chartering entity and the charter school are encouraged to enter into business agreements or Memorandums of Understanding (MOU) related to the provision of a full continuum of special education services, transportation, services to students with low incidence disabilities, provision of related services, liability, indemnification, funding and fiscal responsibility. (1) However, the chartering entity may not condition granting a charter on a provision that the charter school must become an LEA. Nor may the chartering entity refuse to grant a charter school petition or renewal solely because the charter might enroll pupils with disabilities who reside in another SELPA (EC 47647).

B. Charter School As An LEA Within the SELPA

A charter school that includes in its petition for establishment or renewal, or that otherwise provides verifiable written assurances that the charter school will participate as an LEA for the purposes of providing special education, may apply to become a member of the SELPA.

Application must be made to the SELPA on or before January 1 of the school year preceding the school year in which the charter school anticipates operating as a member LEA within the SELPA. The SELPA Director and/or staff will review the charter school's application and develop a written recommendation within 30 days of receipt of application. Both the applicant and members of the Council of Superintendents will receive copies of the written

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recommendation at least 10 days prior to the item appearing on an agenda. The Council of Superintendents will take action to approve or disapprove the charter school as a member LEA within 60 days of application. If approved, the charter school LEA will become a member effective on July 1. Prior to final approval and full acceptance as a member LEA, the charter school will continue to be deemed a public school of the chartering district. If disapproved, the SELPA Director will provide the applicant with a written finding that delineates the reason(s) for disapproval.

Once granted membership within the SELPA, the LEA charter school will participate on an equal basis with other members in the governance of the SELPA. A charter school LEA will have equal voting power with non-charter LEAs as described in Part I, section II of the Local Plan.

The applicant charter school will be deemed a member LEA if the Council of Superintendents determines that the charter school has met all requirements to be included as a member LEA of the SELPA as specified in this policy and the Local Plan. These requirements include:

- ◆ Provide assurances that all enrolled individuals with exceptional needs have access to a free appropriate public education in accordance with state and federal mandates and SELPA policies;
- ◆ Provide assurances that the LEA can provide a full continuum of special education programs and related services;
- ◆ Provide assurances that the LEA, through employment or contract, can provide the appropriately credentialed staff necessary to meet federal and state special education mandates and accept responsibility for:
 - Referral;
 - Assessment;
 - Special Education Instruction;
 - Compliance
 - Due process;
 - Discipline/manifestation determination.
- ◆ Provide assurances that the LEA will follow all applicable SELPA policies and procedures, including but not limited to;
 - Identification, referral and placement (Part B, Section 1(A))
 - Procedural safeguards (Part B, Section 1(B))
 - Regionalized services, including excess costs (Part B, Section 1)
 - Placement procedures and funding for students placed in Hospitals, Licensed Children's Institutions, Juvenile Court/

- Community School programs (Part B, Section 1 (E)(F)(G))
 - Costs of programs and services, including transportation (Part B, Section 1 (H))
- ◆ Provide assurances that the LEA will utilize SELPA approved forms in an appropriate manner;
- ◆ Provide assurances that the LEA will attend SELPA sponsored in-service and trainings;
- ◆ Provide assurances that the LEA will place special education students in inter/intra-SELPA programs only with the expressed consent of the receiving entity and under the condition that the placing entity will be responsible for any excess costs attributable to the placement;
- ◆ Provide assurances that the LEA will accept inter/intra-SELPA placements only with agreement between the educational entities. Under such circumstances, the placing LEA will be responsible for any excess costs, including transportation, in accordance with the Local Plan;
- ◆ Provide assurances that the LEA has completed a compliance audit of its special education program, with the audit being conducted by a mutually acceptable neutral party. The LEA is to be responsible for all costs of such an audit and any required corrective actions; and
- ◆ Provide assurances that the LEA will indemnify and hold harmless the SELPA and each of the member entities.

Once deemed a member of the SELPA, the charter school, like other member LEAs shall:

- ◆ Fully participate in governance of the SELPA in the manner outlined in the Local Plan;
- ◆ Accept all responsibilities of an LEA in the implementation of the Local Plan;
- ◆ Fully comply with policies and procedures outlined in the Local Plan;
- ◆ Contribute to, participate in, and receive the benefits of Regionalized Services;
- ◆ Receive state and federal funding for special education in accordance with the SELPA funding Allocation Plan;

- ◆ Receive any available federal funds one year in arrears and calculated based on applicable special education counts;
- ◆ Be responsible for all costs incurred in the provision of special education services, without regard for the location in which the student may reside. These costs may include, but are not limited to, instruction, services, transportation, nonpublic school/agency placements, inter/intra SELPA placements , due process proceedings, complaints and attorney fees;
- ◆ Document that all state and federal special education funds appropriate to the LEA are used for the sole purpose of providing special education instruction and/or services to identified students with disabilities. Such funds shall be used to supplement and not supplant other sources of federal, state and local funds apportioned to charter schools; and
- ◆ Return any special education apportionment not used solely for the purpose of providing special education instruction and/or services to identified students with disabilities. With the exception that charter schools may retain an agreed upon percentage for the purpose of establishing a restricted reserve account to meet unanticipated special education costs.

If the approval of a charter school requires a change in the SELPA allocation plan or governance structure, such change shall be adopted pursuant to the policy making process outlined in the Local Plan. A request from a charter school to participate in the SELPA will be treated in the same manner as such a request from a school district.

(1) EC 47646 (c) requires that the chartering entity, if a district, charge the charter school its pro-rated share of district-wide encroachment. However, for consideration, the district may waive this charge. Specifics should be included in an MOU or business agreement.

POLICY – LITERACY

In order to improve the educational results for students with disabilities, the Districts of the San Joaquin County SELPA ensure that all students who require special education will participate in the California Reading Initiative, just as do all other students in our districts. In order to facilitate that effort, our districts assure that special education instructional personnel will participate in staff development inservice opportunities in the area of literacy, including:

- information about current literacy and learning research that aligns with state-adopted standards and frameworks; and
- research-based instructional strategies for teaching reading to a wide range of diverse learners reflected in individual goals and objectives.

Our goals are:

- to increase the participation of students with disabilities in statewide assessments with and without accommodation as monitored by the IEP process;
- to increase the percentage of children with disabilities who are literate; and
- to assure that students with disabilities attain higher standards in reading.

In order to reach these goals, we assure that students with disabilities will have full access to:

- all required core curriculum including state-adopted core curriculum textbooks and supplementary textbooks; and
- district, county, or state adopted texts and state adopted instructional materials and any necessary supports to obtain higher standards in reading.

EARLY START PROGRAM

A. Infant Services For Ages 0 to 2-11

The infant services of the San Joaquin County SELPA (Early Start Program) are based on a clearly defined philosophy which affects all program decisions including staff hiring and development, curriculum, assessment, team decision making, budgetary decisions and community outreach and are compatible with Part H legislation.

1. Key philosophical premises of infant services for the San Joaquin County SELPA include the following:
 - a. The parent is or is capable of becoming the child's best teacher and advocate. It is the responsibility of the staff to encourage the parent in his/her role.
 - b. The program shall provide a full range of services including developmental education, speech and language therapy, team assessment, parent support and advocacy.
 - c. Interagency collaboration is critical in order to assure comprehensive, coordinated, and non-duplicated services.
 - d. A variety of program options shall be available to infants with special needs and their families including home-based, center-based, and combination programs.
 - e. Center services shall be provided in a non-clinical environment which helps families to be comfortable and promotes modeling of quality parenting skills.
 - f. A structured setting which promotes play as a learning experience shall be provided.
2. The Early Start Infant Program shall include services specially designed to meet the unique needs of infants, from birth to three years of age, and their families. The primary purpose of an early education program is to enhance the development of the infant.
3. Receipt of a referral by any initial contact agency begins a 45-day timeline, at which time an Individual Family Service Plan meeting must be held

B. Child Find (Procedures for Public Search)

1. It is the SELPA Director's responsibility to ensure that:
 - a. The public agencies, private schools, appropriate professional persons and parents are notified about special education programs and resources, eligibility requirements, and referral process through:
 1. newsletters
 2. public forums
 3. brochures
 - b. Materials describing the special education services available within the SELPA, the referral process and the contact person are prepared.
 - c. Prepared materials are distributed to:
 1. local child care centers

2. local health care facilities (i.e. physicians, prenatal and postnatal care facilities, hospitals, pediatrician offices)
3. regional centers
4. public health facilities and social services agencies
5. parent organizations and support groups
- d. Districts work with Regional Centers to locate all infants and toddlers who may be eligible for early intervention services. Regional Centers and LEAs shall inform primary referral sources of the:
 1. eligibility criteria for early intervention services;
 2. types of early intervention services available through the Early Start Program;
 3. contact persons and telephone numbers for regional centers and LEAs: and
 4. information reflecting the federal requirement that a referral shall be made to the regional center or LEA within two (2) working days of identification of an infant or toddler who is in need of early intervention services.
2. It is the SELPA Director's responsibility to ensure that:
 - a. presentations are made to local professional groups, philanthropic organizations and other organizations established to inform and/or serve culturally diverse populations;
 - b. district staff are trained in public search procedures;
 - c. the record number of inquiries received through public search effort are recorded; and
 - d. that all inquiries initiated through public search efforts are processed.

C. Evaluation and Assessment

1. Upon receipt of a referral, telephone contact is made with the parent. A written Consent to Exchange Information is obtained along with further information regarding the child's and family's needs. Through telephone or team conferences with the appropriate agencies, an interim coordinator is assigned and an evaluation planned.
2. Evaluation to determine eligibility is completed through a multi-disciplinary procedure. Specific disciplines will be represented as infant family needs dictate. Pertinent medical and developmental information will be obtained (with parent permission) and included in the evaluation process.
3. Assessment procedures will be ongoing throughout the child's enrollment in the Early Start Infant Program as family and child needs change.
4. Assessments may include all developmental areas (physical including vision and hearing, cognitive, communication, social-emotional, and adaptive behavior) and a family directed assessment of their concerns, priorities, and resources.

D. Individualized Family Service Plans (IFSP)

1. If immediate needs exists, an interim IFSP is developed by the interim service coordinator and the family.

- This does not alter the need for an IFSP to be held within 45 days from the date of referral.
2. An initial meeting to develop the IFSP is called within 45 days from the date of referral. All involved agencies will have a representative attend the meeting and/or provide written input for team consideration.
 3. The IFSP includes strengths and needs of the child with consideration of concerns, resources and priorities of the child's family. It documents all evaluation results and will include specific outcomes for the child and family. The agency responsible for funding the outcomes and specific actions and timelines are written into the IFSP. An additional responsibility of the IFSP team is to designate a permanent service coordinator for the family.
 4. The IFSP will be reviewed every six month, or more frequently if needed or requested by the family, and an IFSP team meeting will be held on at least an annual basis.

E. Transdisciplinary Team

Decisions regarding services for infants and toddlers will be made by transdisciplinary teams including representatives from education, regional centers and active parent participation.

F. Provision of Specialized Services to Infants and Toddlers with Low Incidence Disabilities

Special Education's responsibility is to provide appropriate early intervention services for the children who have solely a low-incidence disability. For infants and toddlers, program location options include home based, group services including Head Start and home and group options provided in the natural environment. The natural environment means settings that are natural or typical for age peers who have no disability including the home and community settings in which children without disabilities participate. A natural environment is a location at which the program would still exist if children with disabilities did not attend. Natural learning environments are the places where children experience everyday, typically occurring learning opportunities that promote and enhance behavioral and developmental competencies. For Deaf/ Hard of Hearing children whose language is primarily sign language, placements can also include a setting where other children with similar age and language modalities will be present such as preschool Deaf/Hard of Hearing classes service options for infants and preschoolers include OT, PT, nutrition, respite care, and educational services for enhancing development and other mandated services.

G. Service Coordination

The role of the service coordinator is to assist and enable an eligible child and the child's family to receive the rights, procedural safeguards, and services authorized. The service

coordinator is to facilitate implementation of the IFSP and to coordinate services with other agencies and persons. Services coordination is an Early Intervention service and includes such areas as:

1. providing the initial notice to the parent;
2. obtaining consent;
3. serving as the primary point of contact for coordinating services and assistance for the infant's or toddler's parent, service providers and regional center and/or public agencies;
4. informing the parent of the availability of additional non-required services of these regulations which may provide assistance to the family;
5. facilitating the delivery of services on the initiation date identified in the IFSP;
6. continuously seeking the appropriate services and service providers necessary to enhance the development of each infant or toddler being served for the duration of the infant's or toddler's eligibility;
7. coordinating the performance of initial and subsequent evaluations and assessments;
8. participating in the development and review of the IFSP;
9. monitoring the delivery of services and the degree to which progress toward achieving outcomes is being made through the periodic review of the IFSP;
10. informing the parent of advocacy services and procedural safeguards contained in these regulations;
11. facilitating the exchange of information between service providers including health providers, medical case managers, regional centers and LEAs; and
12. facilitating the development of transition steps in the IFSP.

H. Local Interagency Agreements

Regional centers and LEAs shall develop and maintain local interagency agreements. Local interagency agreements shall include, but not be limited to the following:

1. the responsibilities of each LEA and regional center for meeting the terms of the agreement;
2. procedures for coordination of child find activities with local public agencies and regional centers to identify infants and toddlers who may be eligible for early intervention services;
3. specific procedures for coordination of referrals for evaluation and assessment;
4. procedures for the assignment of a service coordinator;
5. interagency procedures for identifying the responsibilities of the regional center and LEA for completing the evaluation and assessment and determining eligibility within the appropriate time requirements and when an infant or toddler may receive services from both the regional center and LEA;
6. procedures for the timely exchange of information between regional centers and LEAs;
7. mechanisms for ensuring the availability of contacts at regional centers and LEAs at all times during the year;

8. procedures for interagency IFSP development when infants and toddlers may be eligible for early intervention services from the regional center and the LEA or other state or local programs or services;
9. procedures to ensure the provision of services during periods of school vacation when services are required on the IFSP;
10. transition planning procedures which begin at least six months prior to a toddler's third birthday;
11. procedures for the training and assignment of surrogate parents; and
12. procedures for accepting transfers of infants or toddlers with existing IFSPs.

I. Transition at Age Three

1. At least six (6) months prior to the child reaching age three, in recognition of potential rapid growth and change, the service coordinator will coordinate with the family the development of an IFSP which will include the steps to be taken to support the transition of the child, at age three, to appropriate services or placement. The service coordinator shall:
 - a. notify the parent of a toddler who may be eligible for special education and related services under Part B of the Individuals with Disabilities Education Act that transition planning will occur within the next three to six months;
 - b. notify the LEA where the toddler resides that there will be an IFSP meeting requiring the attendance of an LEA representative before the toddler is two years nine months, or at the discretion of all parties, up to six months before the toddler turns three years old to specify the transition steps necessary for movement into services under Part B of the Individuals with Disabilities Education Act; and
 - c. within thirty days following notification of the parent and the LEA, the family service coordinator and LEA shall agree on the date for the IFSP to specify the transition steps necessary for movement into services under Part B.
2. Three steps will be completed with regards to the transition:
 - a. Discussions will be held and information will be provided to parents regarding:
 1. the toddler's transition to special education for a toddler with a disability who may be eligible for special education and related services under Part B of the Individuals with Disabilities Education Act; and
 2. steps to prepare the toddler for changes in service delivery, including steps to help the toddler adjust to, and function in, a new setting.
 - b. Information will be provided about community resources, such as Head Start, Child Development Preschools, private or public preschools, for a toddler who may not be eligible for special education services after thirty six months of age; and
 - c. A projected date for conducting a final review of the IFSP, to review the early intervention services and the transition outcomes by age three will be provided.
3. For toddlers who may be eligible for preschool services from the LEA under Part B of the Individuals with Disabilities Education Act, the transition steps necessary for movement into services under Part B or other appropriate program, written at the IFSP meeting before the toddler is two years nine months, or at the discretion of all

parties, up to six months before the toddler's third birthday, shall include the following:

- a. with parental consent, the transmission of information about the toddler to the LEA including evaluation and assessment information and copies of the IFSP that have been developed and implemented;
- b. identification of needed assessments to determine regional center and special education eligibility and determining the regional center or LEA responsible and time lines for completing the needed assessments;
- c. statements of the steps necessary to ensure that the referral to an LEA, is received by the LEA in a timely manner to ensure that assessments required under the provisions of Part B of the Individuals with Disabilities Education Act are completed and an IEP is implemented by the toddler's third birthday;
- d. a referral for evaluation and assessment for services under Part B of the Individuals with Disabilities Education Act no later than the time that the toddler is two years nine months of age or before the LEA's break in school services if the toddler will become three years of age during a break in school services. The transition IFSP shall contain steps necessary to satisfy the referral and IEP development requirements contained in Education Code Sections 56321 and 56344;
- e. identification of the people responsible for convening an IEP and final IFSP meeting, and the person responsible for convening an IPP meeting, if necessary, for a toddler by age three to:
 1. review the progress toward meeting the early intervention services outcomes identified in the IFSP;
 2. determine the eligibility for special education and develop the IEP; and
 3. develop the IPP if the toddler is also eligible for services under the Lanterman Developmental Disabilities Services Act as required in Welfare and Institutions Code Section 4646.
4. Regional centers may continue providing or purchasing services for a preschooler who has been determined eligible for regional center services:
 - a. until the beginning of the next school term after the toddler's third birthday during a period when the LEA special education preschool program is not in session; and
 - b. when the multidisciplinary team determines that services are necessary until the LEA special education program resumes.
5. Any infant who becomes three while participating in an Early Start Program may continue until June 30 of the current program year providing the IEP team determines such placement to be appropriate.

J. Family Involvement Activities

1. The parent is fully involved in the referral-assessment-IFSP process. Parents are involved in assessment and parent input is valued and encouraged; the parent is a full member and an active participant of the IFSP team.
2. Efforts will be made to link parents with other parents for support and encouragement. This includes encouraging parents to participate in parent support groups.

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3. A parent group will be established based on need. Presentations will be provided based on results of a parent needs assessment. Information group sessions will also be scheduled. This informal time will allow parents to develop relationships with and support of one another, to share the complex feelings one has when parenting a child with special needs, to share ideas and concerns, and to develop advocacy skills.
4. Parents will be encouraged to actively participate in Community Advisory Committee meetings.
5. Staff development activities will focus on the infant and toddler with special needs and their families as a dynamic system. A needs assessment will be completed. Such topics as Sensory Processing and the Young Child, Oral Motor Development, Building Blocks of Language-Tips for Parents and Teachers, Integrated Play Groups and Student Environment Task Sensory Training will be addressed in in-service workshops.
6. Staff members will work as a transdisciplinary team to provide assessment, IEP development and ongoing program implementation. The transdisciplinary team may include, but need not be limited to, qualified persons from the following disciplines:
 - a. early childhood special education;
 - b. speech and language therapy;
 - c. nursing, with a skill level not less than that of a registered nurse; and
 - d. social work, psychology or mental health.

K. Dispute Resolution

The same dispute resolution procedure which is utilized for 3-21 year olds shall be applicable.

L. Child Services For Ages 3-4

Services for all 3 and 4 year olds are delivered through the processes described in the Procedural Handbook under identification, referral, assessment, instructional planning, implementation and review.

M. Private Schools/Students Unilaterally Placed by Parents

1. Districts must identify and serve disabled private school students according to Federal funding mandates.
2. Each such student must have an IEP which provides for FAPE. Any issues regarding whether the District has offered FAPE should be resolved before assuming the child is a "parentally placed private school student."
3. The District must consult with representatives of such students prior to making decisions about services.
4. Based on the decisions made after consultation, districts must develop IEPs for private school students which describes the services that will be provided.
5. The total proportionate sum of federal funds is considered a "pot" of money to which these students are, as a group, entitled. The district decides how to spend these funds

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- based on the decisions it has made pursuant to consultation. Each child is not entitled to his or her "fair share."
6. Since there is no individual right to services, these students do not have the right to initiate due process to challenge the services offered.
 7. Resource Specialist and DIS services such as Language/Speech Therapy, Deaf/Hard of Hearing and Visually Impaired Specialist services and Adaptive P.E. are provided at district school sites.

N. Agencies funded through LEA to provide services but not limited to:

Stockton Hand Therapy - occupational therapy
United Cerebral Palsy Association - occupational therapy, AT assessment
San Joaquin County Children's Mental Health
Speech Path - speech and occupational therapy
University of the Pacific Speech and Hearing clinic - speech therapy
Therapeutic Pathways - Autism
Applied Behavior Consultants - Autism
Dr. Gina Pallotta - Autism (Mila Amerine-Dickens)
University of California, San Francisco - Autism, PDD diagnosis
University of California, Davis - diagnostic
Stanford University - diagnostics
Spectrum Center
Melissa Jakubowitz Incorp (Speech)
California Children's Services
Easter Seals
Valley Mountain Regional Center
Behavior Analysts
Advanced Education Services
Vista Child Therapy

PART C, INFANT TO PRESCHOOL TRANSITION STATEMENT

It is the intent of the San Joaquin County SELPA to participate in a local interagency agreement with Valley Mountain Regional Center to provide services for children eligible for Part C of the Individuals with Disabilities Education Act of 1997. This detailed Interagency Agreement is included as an Appendix to the Local Plan.